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011 331 562 32 50****October 6, 1983**

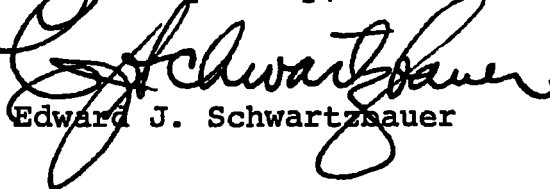
**Stephen Shakman, Esq.
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55402**

Re: U.S.A. v. Reilly Tar & Chemical Corp., et al.

Dear Steve:

Enclosed herewith and served upon you by United States mail is a copy of Request for Production of Documents of Reilly Tar & Chemical Corporation to the State of Minnesota.

Yours very truly,



Edward J. Schwartzbauer

**EJS:ml
Enclosure**

cc: All Counsel of Record

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Hubert H.
Humphrey, III, its Department
of Health, and its Pollution
Control Agency,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM,
INC.; and PHILIP'S INVESTMENT CO.,

Defendants,

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

REQUEST FOR PRODUCTION
OF DOCUMENTS OF REILLY
TAR & CHEMICAL CORPORA-
TION TO THE STATE OF
MINNESOTA

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

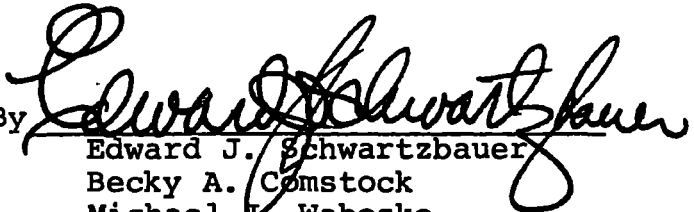
TO: State of Minnesota, by its Attorney General Hubert H. Humphrey III, its Department of Health, and its Pollution Control Agency, and its attorneys Dennis M. Coyne, Esq. and Stephen Shakman, Esq., Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendant Reilly Tar & Chemical Corporation requests the State of Minnesota to produce all materials listed on the attached Exhibit A and Exhibit B which are found in a chronology dated October 29, 1974 and previously produced to Reilly Tar & Chemical Corporation in this matter, for inspection and copying at the offices of Dorsey & Whitney, 2200 First Bank Place East, Minneapolis, Minnesota 55402, on or before November 8, 1983.

Dated: October 6, 1983.

DORSEY & WHITNEY

By


Edward J. Schwartzbauer
Becky A. Comstock
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Attorneys for Defendant Reilly
Tar & Chemical Corporation

EXHIBIT A

1. Nov. 22, 1970: MPCA Litigation Report lists treatment necessary to abate pollution. These include oil separation facilities storage safeguards, excavating saturated soil and re-routing drainage.
2. Oct. 6, 1972: Memo from R. J. Lindall to G. J. Merritt, Executive Director, MPCA, reviewing situation. R. J. Lindall recommends staff inquire of city as to what plans it has to modify soil conditions to prevent water pollution.
3. Aug. 21, 1973: MPCA received copy of supporting data for "land farming" from OSM. This document mainly contained information on the "land farming" of oily wastes not coal tars. This is pointed out in a letter from Standard Oil contained in the document.
4. Aug. 24, 1973: Meeting was held with MPCA, MDH, City of St. Louis Park and their engineer Orr-Schelen-Mayeron and Associates (OSM). OSM presented a storm water study which dealt with the petro chemical pollution problem at, and adjacent to the site and a feasibility report for the construction of the storm sewer. Study proposes use of "land farming" to rehabilitate contaminated surface soils.
5. Jan. 29, 1974: Meeting was held with city and OSM to discuss recent MDH data and the need for hydrologic study.
6. May 28, 1974: Letter from MDH to MPCA with comments on a proposed stipulation. Indicates concern over massive contamination states it is premature to issue permit until a full evaluation is complete and indicates concern that construction may preclude future corrective actions.
7. July 16, 1974: Letter to OSM from Dr. Ham summarizing green house studies done on "land farming".
8. Aug. 20, 1974: Hydrogeologic study submitted to MPCA. Agency review not complete as of October 29, 1974.
9. Oct. 7, 1974: Received copy of memo from Metro Council files date August 10, 1972. Memo is HUD inter-office from engineer to Area Director, Thomas T. Feeney regarding development of the Creosote site. It is his strong opinion and recommendation that site be rejected for residential development. Author of

handwritten comments in margins is unknown at this time.

10. Oct. 28, 1974: Meeting with city, OSM, MDH and MPCA to discuss future actions. MPCA indicated it would make every attempt to complete review of all documents in one week. There were lengthy discussions regarding a possible environmental assessment or an environmental impact statement which may be needed on the project.

EXHIBIT B

1. 11/12/61 Memo from R. D. Connery to C. Andre, City Official - Reilly Property assessment.
2. 4/29/63 Memo from H. H. Burry, City Attorney, to City Council - Supreme Court Opinion; Attorney's remarks.
3. 11/8/71 Memo from McPhee, City Official to Popham, City Attorney - Cost analysis of damage caused by Reilly.
4. 2/2/72 Memo from McPhee, City Official, to Thibault, City HRA - Clean up of Creosote problem.
5. 10/2/72 Memo from City offices - meeting with HUD on Soil Report.
6. 10/16/73 Memo on meeting from McPhee, City Official - Meeting on Creosote problems.
7. 12/2/74 Memo from Popham, City Attorney to Cherches, City Manager - Meeting with Asst. Attorney General, Kaul.
8. 3/31/76 H.W. notes from Bob Criswell and Bill O'Connor - Composition of Pollutants.
9. 1/4/77 Draft Amendment to Stipulation Agreement from City Attorney to File - Amendment to Stipulation Agreement between MPCA and St. Louis Park.
10. 5/18/77 Original letter from Thibault, City HRA to HRA Commissioner - Settlement of Controversy.
11. 12/15/77 Memo from Thibault, City HRA to File - B. Strautz of Isaac Walzon went through file doing research.
12. 12/20/77 Memo from Gardebring, PCA to Agency Board Members - Reilly litigation.
13. 12/22/77 Letter from DEC to Mayor Sterne - Concern about Creosote Levels.
14. 1/4/78 Letter from Attorney Popham to City Manager Elwell - Enclosure of Draft Resolution on Water Problem.
15. 1/10/78 Memo from Popham as City Attorney to City Manager Elwell - Dickerson Agreement.

16. 1/16/78 Working Paper or Response to MPCA from "Bill" - Adverse effects of Highway Construction.
17. 2/1/78 Letter from Thibault, City HRA to Debbie Armstrong, Mankato State - You may review the file we have on the Reilly Creosote Problem.
18. 4/5/78 Letter from Wade, State Health Department, to Thibault, City HRA - Need for test Borings.
19. 5/1/78 Letter from Gardebring, MPCA to Thibault, City HRA - Need for test Borings.
20. 4/2/79 Report from R. Strauss - Groundwater Problem and History.